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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,876	10/13/2003	Thomas Wayne Bonner	C03-0033-000	4783

33190 7590 12/21/2005

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EXAMINER	
DAGOSTA, STEPHEN M	

ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/684,876	BONNER ET AL.	
	Examiner	**Art Unit**	
	Stephen M. D'Agosta	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 December 2005*.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-29* is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *2-29* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a)☐ All b)☐ Some * c)☐ None of:
 1.☐ Certified copies of the priority documents have been received.
 2.☐ Certified copies of the priority documents have been received in Application No. _____.
 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12-7-2005 have been fully considered but they are not persuasive.

1. The applicant has overcome the examiner's 112 rejection (claim 1 was cancelled).

2. **A more favorable outcome may occur if the applicant amended claim 1 with claim 4, claim 6 or 7 or 8, and claim 9 or 10. 1 + 4 + (6 or 7 or 8) + (9 or 10)**

3. The applicant argues that the prior art does not teach the independent claims (eg. use of cellular/landline communications if a cellular device is nearby). The examiner disagrees with the applicant with regard to a prima facie case being established and the rejection being appropriate. Firstly, the examiner's rejection shows where each and every part of the claim is found (in Akhteruzzaman) and where he is silent along with how Hardman remedies these failings.

Akhteruzzaman teaches "all" the facets of the claims but fails on transmitting data if/when a mobile device is nearby. Hence Hardman teaches a device that will transmit to a cellular device if/when it is near. Adding this concept to Akhteruzzaman provides a system which reads on the claimed invention.

Several interpretations are made by the examiner:

a. Akhteruzzaman supports both wired and wireless communication

b. Akhteruzzaman teaches switching to wireless if/when an outage to the wired link exists.

c. Hardman teaches using wireless communication if/when a wireless device roams near the vending machine.

Akhteruzzaman's system uses two links as primary and backup. Hence there truly is no detrimental change to the system if/when one communications means is used in place of the other. Hence, the examiner interpets that combining Hardman's system with Akhteruzzaman would, at the very least, allow for a decision to be made as to which communications means should be used (eg. wired or wireless). The examiner believes that one skilled would provide this feature as a "user-configurable" feature, instead of "destroying" the art as argued by the applicant. Further to this point, Akhteruzzaman states that a severed link can render the system unable to communicate with the central station (C1, L60-67). Since an intruder could cut/sever a link, it makes sense for the system to transfer operations to a wireless means if/when the homeowner arrives home.

4. For claims 10 and 17, the examiner restates that these claims appear to state that which is taught by Akhteruzzaman, eg. the default link is the landline. The combination of Akhteruzzaman and Hardman would, as stated above, provide for a wireless link to be used instead.

5. The remaining claim arguments just refer back to the above arguments and are therefore addressed.

6. The previous office action is found attached for informational purposes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 10-17, 23-24 and 28-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Akhteruzzaman et al. US 6,263,050 and further in view of Hardman US 6,844,813.

As per **claims 1-2, 16 and 28-29**, Akhteruzzaman teaches a system for relaying signals from an alarm system control panel to a remote monitoring center (title, abstract and figure 2 #250 is monitoring system. Also see figure 4, #404-406 and C3, L1-29), comprising:

means for receiving the signals from the alarm system control panel (figure 1 #130 and #142 show sensor and signal generator. Also see figure 4, #400-#402); and means for selectively relaying the signals to the remote monitoring center via either a wireless device or a landline connector (abstract teaches both landline and wireless transmission, see figure 1, #152/#162 for wired and #110/#146 for wireless. Also see C2, L17-32 which teaches both), **but is silent on** based on the presence of the wireless device.

The primary examiner notes that Akhteruzzaman has the ability to use either landline or wireless communications. His teachings are to use the landline as primary and wireless as backup.

Hardman teaches a device (eg. vending machine) that wirelessly transmits data to a mobile unit which has roamed near the device/vending machine (title, abstract, figures 1-3 and C1, L55-65) to minimize the need for landline links to the device/vending machine (C1, L18-52). The primary examiner notes that Hardman's teachings would combine with Akhteruzzman to provide means for "switching" between landline and cellular links depending if a mobile unit is near the alarm system.

It would have been obvious to one skilled in the art at the time of the invention to modify Akhteruzzaman, such that its based on the presence of the wireless device, to provide means for offloading alarm communications when the mobile device is present so as not to tie-up the landline link.

As per **claims 10 and 17**, Akhteruzzaman teaches claim 2/16, further comprising a landline connector communicatively associated with a public switched telephone network, wherein if the detecting means fails to detect that the wireless device is present, the intelligent interface relays the signals to the remote monitoring center via the landline connector (Akhteruzzaman's "default" communications path is via the landline, see abstract and C3, L38-41).

As per **claims 11-12**, Akhteruzzaman teaches claim 10 wherein the landline connector is a wire voice jack (ie. RJ-11, RJ31X, etc.) (figure 1 shows a link to the Central Office/PSTN, #152 which the examiner interprets as a voice jack, also see phone #120 connected to this link as well).

As per **claims 13 and 23**, Akhteruzzaman teaches claim 2/16, wherein upon receiving the signals, the wireless device places a wireless call to the remote monitoring center and transmits the signals to the remote monitoring center over a wireless network (abstract and C2, L17-33 which reads on bypassing the landline).

As per **claims 14-15 and 24**, Akhteruzzaman teaches claim 2/16, wherein the intelligent interface further comprises a DSP converter interposed between the alarm system control panel and the wireless device, the converter being for:

intercepting the signals that have been relayed to the wireless device,

converting the signals into digital signals; and

outputting the converted signals to the wireless device (see figure 1, controller #140 and interface #146 which the primary examiner interprets as providing any/all translation required between the sensors and the wireless system, eg. digital, instead of the analog PSTN link).

Claims 3-9, 18 and 21-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Akhteruzzaman/Hardman and further in view of Marui US 5,239,586.

As per **claims 3-5 and 21-22**, Akhteruzzaman teaches claim 2/4/18, **but is silent on** wherein the intelligent interface further comprises means/cradle for receiving the wireless device with a communications port.

The examiner takes **Official Notice** that wireless units (eg. cellular phones and/or wireless phones used in a home both interface into a "cradle-like" unit, sometimes a charger, for receiving the wireless device. Handsfree cradles also provide means for supporting the mobile unit while it transmits/receives voice calls).

Marui teaches " a cradle having a hands-free microphone for generating an audio signal representing a user's utterance, and a hook switch for generating an on-hook signal when the handset is mounted in the cradle and for generating an off-hook signal when the handset is dismounted from the cradle" (claim 1)

It would have been obvious to one skilled in the art at the time of the invention to modify Akhteruzzaman, such that the intelligent interface further comprises means/cradle for receiving the wireless device with a communications port, to provide means for docking/charging and connecting the wireless phone to the alarm system as appropriate.

As per **claims 6, 8-9 and 18**, Akhteruzzaman teaches claim 2/16, **but is silent on** wherein the means for detecting that the wireless device is present comprises a mechanical/electrical switching mechanism.

Marui teaches " a cradle having a hands-free microphone for generating an audio signal representing a user's utterance, and a hook switch for generating an on-hook signal when the handset is mounted in the cradle and for generating an off-hook signal when the handset is dismounted from the cradle; (claim 1)

The primary examiner inteprets Marui's "switch" as being either mechanical or electrical to sense if the wireless device is present in said cradle. This would be supported by either mechanical means to "sense" the actual device being placed in the cradle and/or electrical means which would "sense" an electrical connection between the phone and possibly a connector to the phone's I/O port (eg. handsfree earpiece).

It would have been obvious to one skilled in the art at the time of the invention to modify Akhteruzzaman, such that the means for detecting that the wireless device is present comprises a mechanical/electrical switching mechanism, to provide means for mechanically and electrically sensing when the phone is present for optimal switching from landline to wireless.

As per **claim 7**, Akhteruzzaman teaches claim 2, wherein the means for causing the intelligent interface to bypass the landline and to relay the signals to the monitoring center via the wireless device comprises a mechanical switching mechanism.

Marui teaches "a cradle having a hands-free microphone for generating an audio signal representing a user's utterance, and a hook switch for generating an on-hook signal when the handset is mounted in the cradle and for generating an off-hook signal when the handset is dismounted from the cradle" (claim 1)

Hardman teaches a device (eg. vending machine) that wirelessly transmits data to a mobile unit which has roamed near the device/vending machine (title, abstract, figures 1-3 and C1, L55-65) to minimize the need for landline links to the device/vending machine (C1, L18-52). The primary examiner notes that Hardman's teachings would combine with Akhteruzzman to provide means for "switching" between landline and cellular links depending if a mobile unit is near the alarm system.

Hence the combination of the three pieces of prior art provides means for detecting the nearby phone and then using it's wireless transceiver to transmit data.

It would have been obvious to one skilled in the art at the time of the invention to modify Akhteruzzaman, such that the intelligent interface to bypass the landline and to relay the signals to the monitoring center via the wireless device comprises a mechanical switching mechanism, to provide means for sensing when the mobile device has been placed in the cradle/docking station which leads to switching from landline to wireless communications.

Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Akhteruzzaman/Hardman and further in view of Chavez Jr. et al. US 5,940,758 and Zicker et al. US 5,832,378.

As per **claim 19**, Akhteruzzaman teaches claim 18 **but is silent on** wherein determining whether a wireless device has been communicatively associated with the intelligent interface further comprises determining whether the wireless device has sufficient signal strength to access a wireless network.

Chavez teaches "FIG. 10 illustrates, in block diagram form, the operations performed by a wireless set such as wireless set 108. Decision block 1001 determines if there is sufficient signal strength from the base station upon which the wireless set is presently communicating with. If the answer is yes, block 1002 performs the normal processing which may be required at this point in time. If the answer in decision block 1001 is no, decision block 1003 determines if there is another base station in the vicinity that does have sufficient strength. Control unit 901 which is executing the program illustrated in FIG. 10 utilizes signal strength monitor 902 of FIG. 9 to make the determinations in decision blocks 1001 and 1003. If the decision in decision block 1003 is no, control is transferred back to decision block 1001. If the decision in decision block 1003 is yes, block 1004 initiates contact with the other base station." (C7, L62 to C8, L19).

Further to this point is Zicker who teaches "When query task 907 measures adequate signal strength from the handset, the pico station performs process task 910 during which the pico station captures the handset MIN and ESN data. Query task 911 monitors the captured ESN and MIN against the list of allowed handsets given to the pico station by the service control unit during activation. If the handset was not expected by the pico station, a query task 911 No result initiates process task 909 to terminate the authorization process. A query task 911 Yes result initiates process task 912, which requests and captures the cellular Best Server Information from the handset." (C23, L59 to C24, L2).

It would have been obvious to one skilled in the art at the time of the invention to modify Akhteruzzaman, such that it determines whether a wireless device has been communicatively associated with the intelligent interface further comprises determining whether the wireless device has sufficient signal strength to access a wireless network, to provide means for only switching from landline to wireless when the mobile device has a strong signal which can support data transfer.

Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Akhteruzzaman/Hardman and further in view ofPtasinski et al. US 2002/0167293.

As per **claim 20**, Akhteruzzaman teaches claim 18 **but is silent on** wherein determining whether a wireless device has been communicatively associated with the intelligent interface comprises determining whether the wireless device is sufficiently powered to place a wireless call.

Ptasinski teaches "A method for calibrating a battery of an electronic device, comprising: monitoring used battery capacity of said battery during use of said device and providing a monitored remaining battery capacity value therefrom; predicting a remaining battery capacity value of said battery, calculating a difference between said predicted remaining battery capacity value and said monitored remaining battery capacity value; and updating a total capacity value of said battery as a result of said difference." (see claim 40).

It would have been obvious to one skilled in the art at the time of the invention to modify Akhteruzzaman, such that it determines whether a wireless device has been communicatively associated with the intelligent interface comprises determining whether the wireless device is sufficiently powered to place a wireless call, to provide means for understanding if the wireless device can support communications (for a time) and therefore switch the link from landline to wireless.

As per **claim 25**, Akhteruzzaman teaches claim 16, wherein relaying the signals to the remote monitoring center via a wireless device comprises breaking a circuit between the alarm system control panel and the landline and creating a circuit between the alarm system control panel and the wireless device (abstract and figure 4, #400-406 teach if the landline is inoperative, wireless communications are used which reads on breaking/switching a circuit from landline to wireless. Also see figure 1 which shows the controller #140 which will switch the link from wired communications to wireless link).

As per **claims 26-27**, Akhteruzzaman teaches claim claim 16, wherein relaying the signals to the remote monitoring center via a wireless device comprises electrically/mechanically breaking a circuit between the alarm system control panel and the landline and electrically/mechanically creating a circuit between the alarm system control panel and the wireless device (abstract and figure 4, #400-406 teach if the landline is inoperative, wireless communications are used which reads on electrically/mechanically breaking/switching a circuit from landline to wireless. Also see figure 1 which shows the controller #140 which will switch the link from wired communications to wireless link).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen D'Agosta
Primary Examiner
12-20-2005